

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
DELTA DIVISION

TRAVIS MANNING
ADC #144583

PLAINTIFF

v.

No. 2:20-cv-127-DPM

ROOSEVELT G. BARDEN,
Captain, EARU Max; SINDY LARRY,
Sergeant, EARU; JERMEY ANDREWS,
Warden, EARU; MARSHALL D. REED,
Retired Director of Grievance Appeals, ADC;
UTLEY, Nurse, EARU; DOES, Any John or
Jane to be Named; DEXTER PAYNE, Director,
ADC; and WENDY KELLEY, Commissioner,
ADC

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Harris's partial recommendation, *Doc. 7*, and overrules Manning's objections, *Doc. 9*. FED. R. CIV. P. 72(b) (1983 addition to advisory committee notes). Manning's claims against Barden and Larry may proceed, except his due process claim against Barden, which is dismissed without prejudice. Manning's claims against Andrews, Reed, Payne, and Kelley in their individual capacities may proceed, but his claims against them in their official capacities are dismissed without prejudice. Manning's embedded motion for extension of time and partial amendment of complaint, *Doc. 9*, is denied without prejudice. If Manning wants to

amend his due process claim after doing more research, he can make a motion to do so at a later date.

So Ordered.

D.P. Marshall Jr.
D.P. Marshall Jr.
United States District Judge

25 September 2020